

REMARKS

Claims 63-124 are now pending and stand rejected. By this amendment, claims 63, 82, 102, and 116 are amended. Applicants are submitting a Request for Continued Consideration (RCE) with this Preliminary Amendment. By this Preliminary Amendment, Applicants have amended the claims and demonstrate reasons why the claims pending here are distinct from the asserted art.

35 U.S.C. § 112 Rejections

In paragraph 2 of the office action, the Examiner rejected claims 63-124 under Section 112. Applicant has amended the claims by deleting the recitation “created” and simply used the recitation “expressed” or “indicated” instead. Applicant disagrees with the Examiner’s overly limited view of what the specification teaches. The recitation “created” was used in the context of the user designating the area of interest.

35 U.S.C. § 102 Rejections

In paragraph 5 of the Office Action, claims 63-68, 70-73, 76-87, 89-93, 96-103, and 110-124 were rejected under 35 U.S.C. 5 102(e) as being anticipated by Vega (U.S. 2002/012554 A1).

Applicant respectfully submits that Vega does not constitute prior art to the claimed invention. Vega issued on August 29, 2002, and was filed on February 28, 2001. The present application ultimately claims priority from parent application 08/189,405 filed on January 27, 1994. The parent application shares identical portions of the specification as the present application and provides a basis for the claims at issue here. Accordingly, the Examiner is respectfully requested to withdraw the 102 rejection.

35 U.S.C. § 103 Rejections

In paragraph 7 of the office action, the Examiner has variously rejected the claims 69 and 88 under 35 U.S.C. §103(a) as being unpatentable over a primary reference, Vega (U.S. Patent Application Publication No. U.S. 2002/012554 A1), in view of Walker et al. (U.S. Patent No. 5,884,272). Claims 74 and 94 are rejected under 35 U.S.C. 103(a) as being unpatentable over

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Vega in view of Klingman (US 5,729,594). Claims 75 and 109 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vega in view of Foster et al. (US 4,897,867, hereinafter "Foster").

Applicant respectfully submits that Vega is not prior art, therefore, a combination with any other reference is improper. The Examiner is requested to withdraw the 103 rejection of the claims.

Respectfully submitted,
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